Incomplete

G. R. S. IX-5]

Previous references.

1877.
~~191~~.
(Courts.)

File No. 2

Serial Nos. 4, 5, 7, 9-19, 27-31

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 4, 5, 7, 9-19, 27-31

Major ~~Part~~ B for March 1880.

SUBJECT.

Rules relative to the qualification &c, of Advocates and Pleaders.

Indexed.

Subbalao

W D 58—GPB—50,000—24-7-18

Memorandum

Jud[l] Comm[rs] letter of 16th
of 1st August 1878 suggesting
modification of the
existing rules for
the admission and
enrolment of pleaders.

"I do not think
that any great necessity
has been shown
for modifying the
rules of 1866.

2. It is proposed
to classify the pleaders
into 3 grades:—

Advocates of the 1st grade
do " 2nd do
do " 3rd do

In my humble opinion
"Advocate" is rather a dignified
term and should

not be applied indiscriminately to practitioners in all the Courts. The distinction between advocates and ordinary pleaders is even now maintained in the Madras High Court, where there are 3 classes of practitioners

I Advocates
II Vakeels
III Attorneys at Law.

Under the 1st head come

(a) Barristers at Law
(b) Those who have obtained the degree of Bachelor of Laws and a certificate of having studied with an advocate for 18 months
(c) Those who have obtained the degree of Master of Laws and a certificate from the Registrar of the High Court that they have attended the sittings of the H. for 2 years.

(d) Advocates of the High Ct. of Calcutta & Bombay.

4. Under the 2nd head (Vakils) some

(a) Persons who obtained the degree of Bachelor of Laws and a certificate of having studied for 6 months with an advocate or Vakil and for a further period of 6 months in the office of an attorney, or for 12 months with an advocate or Vakil.

(b) Persons who obtained the Degree of Bachelor of Laws and a certificate from the Registrar of Univ having attended the sittings of the H.C. for 2 years—

(c) Persons who have kept 6 terms at one of the Inns of Ct. in London and subsequently studied for 9 months with an advocate or a Vakil.

5. Under the 3rd head of Attorneys &c

(a) Attorneys and Solicitors of one of the Courts at Westminster or Dublin.

(b) Persons who have passed the Matriculation Exam: and

served as articled Clerks
under an attorney for 4 yrs
after undergoing a special Exam[n] of the
Hight Ct.

(c) Persons who
have served as
Registrar or Asst
Registrar Hight Ct or
as Judges' Clerk
for 7 yrs, after
undergoing a
special Exam[n]
of the Hight Ct. —

(d) Persons who have
obtained the degree
of Bachelor of Laws
and served as
articled Clerk under
an attorney for 2 yrs
or as Registrar Asst
Regr or Judges' Clerk
for 5 yrs —

(e) Attorneys of the
Hight Cts of Calcutta
& Bombay —

6. It will be seen that
the term "advocates"
applies only to Barristers
at Law and those
who obtain the degree
of either BL or ML
and qualify themselves
for admission by producing
the required Certificates.
I think it would be
well to preserve the
special appellation for
those possessing the special

qualifications above
referred to and to
style the other practition-
ers simply as pleaders of
the 1st & 2nd Class—

I do not see why the
term 'Pleader' should not
be understood, & I
assume certainly

7. Advocates and ~~Vakils~~ enrolled
1st Class pleaders ~~may be~~ as
aforesaid, be deemed
entitled to appear, plead
& act in the Court of
the Judicial Commr. and in any
Court subordinate thereto,
Civil or Criminal.

8 ~~Advocates~~ Pleaders of 2nd Class
may be restricted to
the Courts of Munsiffs,
Amildars and Deputy Collectors,
as mentioned in the
Rules of 14th January last—

It is very necessary that
there should be a
special examination
in Mysore annually
for this class of
pleaders as natives
of Mysore who have
not passed the
Madras General Test

or who have not been continuously in the permanent employ of Government since January 1859 cannot be permitted to pass the Madras Special Test.

9. I shall now refer to the rules prepared by the Jud. Com in their order.

10. Rule I. The word "advocate" in line 6 may I think be changed into "pleader"

11. The proviso to this rule seems unnecessary as the exemption in the case of a person appearing to defend an accused before a Criminal Ct is allowed by the Indian Criminal Pro.

12. Rule II. The words "and who are not manifestly incompetent" may I

Rule order Section is best removed the appointment of Members of the Madras Civil Service who have not resided a course of short time, the Masters for they to have resided perhaps though it is favor of Mysore Cantonments who are already in the Service (in Mysore)

91

should be omitted, as, under this provision, many of the pleaders already enrolled may be struck off the rolls "as incompetent". I think no pleader who has once been enrolled should be dismissed on the ground of incompetency, tho' he may be struck off for mis-conduct—

3: The power of enrolling pleaders of the Class for all the Courts in the Province ought I think to be vested in the Jud. Comr. alone and that the Distt Judge should not be empowered to do so.

Is Who is to judge of the incompetency? The clients of a Pleader are the best judges of his conduct & his opinions for Advocates & Pleaders already admitted

Ey

This is not what is intended by Rule 2 I think, though the language is not very clear, except by reference to Rule 11 - Those Rules have only applied Rules which are to be under the Jud Comr the Rules ought to have been made a power of the Dist Judge - Ey

14. There is no object
to be gained in requiring
the pleaders already
enrolled to apply
for enrolment again
under the proposed
rules, unless the
object is to separate
the wheat from the
chaff - distinguish
good from indifferent
pleaders - and limit
the number entitled
to practice before the
Judicial Commr —

15. Rule III is unobjectionable.

16. As regards Rules IV, to VII
please see my remarks
in paras 6, 7 & 8 above.

17. Rule VIII clause 4. The
words "or of having
practised with good
reputation for the space
of two years &c" may
be omitted if there
are to be no 2nd class
~~pleaders~~ agents — I think it

would be well
to require a person
who has passed
the Madras Jud Dept
(Civil & Criminal Higher
Grade) to produce
a Certificate of his
having attended the
Jud Courts of for a period
of 12 months or of having
studied with an advocate
or pleader of the said
Ct for a period of 2 years
before applying for
Enrolment as a pleader
of the 1st class.

18. Clause 5 Rule VIII
limits the maximum
age of a Candidate for
pleadership to 40. I
dont see the object
of this limitation. It
is better to have men
of sufficiently advanced
age and prospective
much experience of
the world than raw

youths. I would not fix any maximum limit as to age for pleaders. Some of the retired officials who have held responsible Judicial posts would make valuable pleaders if they were to practice after retirement.

19. Rule 9, as regards pleaders of 2nd class, may be omitted altogether if my suggestions in paras 6 & 8 be approved

20. Rule 10 to 22 inclusive as separate rules have been published under Notification of 14th January last.

21. Rule 11 to 22 seem unobjectionable. The word advocate in the altered rule whenever it is intended to apply to pleaders

of the Plaintiff only.

22. In rule 17 the "Jurisdiction of the Dl. Court" is meant the highest Civil Court of original jurisdiction in the District. If Dy Comrs continue to exercise Civil Jurisdiction the report required by rule 17 may be submitted to the Dy Comr -

A.P. Munnoolly
12/8/78

These rules as printed may be corrected by the Secretary by note on page 4 of the second Edition. Besides certain Appendix the 2nd Regn Pleaders Rules may be printed; & therein should be printed the Rules as altered pursuant to Circular Order No. 11 dated 22nd Decr 1869 apparently* ~~[illegible]~~

4/12/78

* I Codify the present rules for both Classes of Pleaders & do away with the Rules of 2 Regn Pleaders 4/ MPS

as regards "Advocates" for the Jud.l Comm.r Court, the business of that Court is so small that the members of any separate Bar, consisting of "advocates," which may be provided for it, must, for a long time to come, be dependent practically upon the practice in the subordinate Courts at Bangalore, & they would thus be scarcely distinguished, in public estimation, from those who are excluded from practising in the Jud.l Comm.r Court. —

It is necessary that we should have a local Exam.n for 2nd class Pleaders, as the Madras Exam.n is not open, except to those who have passed the Madras Govt. Test

Exam", or have been con
tinuously in Government service
since 1859.

Bearing these difficulties
in mind, and remembering
that the system now pro
posed involves no decided
improvement, it appears
to me to be as well to
give a trial to the change
introduced so recently
as January last.

The method of investi
gation into alleged
misconduct, which is
contained in paras 15
to 22 of the Draft Rules
appears to be unobjection
able, and has in effect
been followed in the
few cases in which
such investigations
have hitherto been held;
but it may be desirable
expressly to lay down

15

the procedure for the guidance of subordinate Courts, and this can I think best be done by the Judl Comm: issuing a Rule of Practice on the subject.

It would appear to be necessary, however, to obviate any occasion for misunderstanding by adding to Rule 15 that a Judge or Magte. is competent, upon his own motion, & whether or not a regular charge has been preferred, to institute the investigation ordered in the Section.

DG 7/9

Pleadings

Draft
GR
10.9.78

16 Lecture 7 Practice

1. a "Special Bar for the Jud. Comm" Court.

1. The Jud. Comm" strongly advocates the creation of a separate bar for his own Court. I am myself of opinion that such a separate bar would be an advantage in many ways, if admission to it can be restricted to gentlemen possessing the requisite high standard of legal qualifications, good character and honorable reputation.

To apply the term "advocate" to his persons thus selected, would be improper, and not open to the objection of applying that term to the legal practitioners in all Courts however subordinate.

As regards fortune additions to the Jud. Comm Bar, some more defi

ite and precise qualifi
cations than those speci
fied in Rule 8 should
be provided. The "Liberal
Education" & "legal train
ing" required should be
specified, and should be
considerably higher than
what the majority of our
1st. class pleaders possess.
But as regards the 1st.
class pleaders already
enrolled, it would, I
apprehend, involve some
breach of faith to exclude
them now from the Judl.
Comm.r Court, as re
gards these, the grounds
of exclusion mentioned
in para 2 of the Rules
may, however, be justly
enforced. —

11 — after the Judl. Comm.r 11 — 1st. class Pleaders
Bar has been formed,
1st. class pleaders at
present, or hereafter to
be, enrolled, will have
the right in all Courts such

ordinate to the Judl Commr

But at each of the District Hd. Qrs, where there may not be a certain number of resident advocates or 1st. class pleaders, – say 5 or 6 – the Judl. Commr. may specially authorize by name, a sufficient number of the practising lawyers agents, or 2nd. class pleaders, to practise at the Dep. Commr.'s & Judl courts. Such special authority may be given some 6 months after the intention to do so is published by the Judl. Commr. in the Official Gazette. a notice to this effect may at once be published, so as to give sufficient time to the present 1st. class Pleaders to go & settle, if so disposed, at the various D.C. H.d. Qrs in

the meantime. Till the special arrangement above mentioned be made, or till a sufficient number of 1st class pleaders go and settle in such Districts, the present practice may continue.

iii. There should as originally intended practice in the Munsifs Courts &c —

[sd] J. D. Gordon
Chief Secretary

It is absolutely necessary that, for several years to come, we should have a local Examination for 2nd class pleaders.

If we require the candidates for 2nd class pleadership to qualify themselves by passing the Madras Examination, the result doubtless would be, that our Munsifs Courts will for several years be left without pleaders.

These observations will be communicated to the Judicial Commissioner, who will be requested to forward Rules for the conduct of the examination in lieu of those now in force.

Chief Secretary's Office
13/12

Advocates & Pleaders.

iii 2nd class pleaders.

Chief Sec.
18/11/78

0/1904

1878/79

133

From The Judl Commissioner of Mysore

To The Secretary to Chief Commr

Genl Depte

dated 1st August 1878

Received 13th Aug 1878

No 1610

150.

Forwards for approval copy of Rules for the qualification, admission and enrolment of advocates, &c

Rules submitted by the Chief Comr, which with the exception of any remarks he may have to offer on the Rules, are unobjectionable

[illegible]

No. 1610/150

Mysore Judl. Commrs Office
Bangalore 1st August 78

From.

J. D. Sandys Esquire
Judicial Commissioner
of Mysore.

To

The Secretary to the
Chief Commissioner
of Mysore.

Sir,

I have the honor to forward copy of Rules which I propose with the approval of the Chief Commissioner to issue for the qualification, admission and enrolment of Advocates and for their suspension or dismissal when guilty of fraudulent or improper conduct.

2. It appears to me to be necessary that some special provision should be made qualifying persons other than the Pleaders of the first grade who will for the most part confine themselves entirely to practice in the Courts of Bangalore and Mysore, to plead in the Courts of the Commissioners and other Civil Courts above those of

Abstracts which is not done by the Rules of the 19th November 1866 nor by the recent rules of the 14th January 1878.

3. It also appeared desirable to make some more exact and detailed Rules for holding an investigation into the conduct of Pleaders charged with misconduct than at present exist.

4. It is also unnecessary and undesirable in my opinion while special examinations are conducted under the Madras Rules at Bangalore; to institute another examination involving great loss of time and trouble on the Examiners, as is done by the Rules of 14th January 1878.

This paragraph amended at the time. The Madras Special Rules are not open to persons who have not passed the Special Test, unless by Rules the term prior to 1878 ~~was also~~ [illegible]

5. As thus it seemed necessary to make considerable additions to the existing Rules, I have thought it better to prepare new Rules altogether rather than to have 3 sets of Rules in existence.

6. I have substituted the name "Advocate" for Pleader as the former term is, I think, more suitable for the Gentlemen practising in my own

Court; and the formation of the 3 grades with provisions for rising from one to the other will I hope improve the status and stimulate the exertions of the practitioners in the lower grades.

7. If the Chief Commissioner approves of the Rules, it may perhaps be advisable to forward them for the sanction of the Governor General in Council so that they may be declared to have the force of Law.

I have the honor to be
Sir
Your most obd.t Serv.t

W. Micklethwait
Judicial Commissioner

J.P

Advocates Rules.

For the qualification, admission and enrolment of Advocates, and for the suspension or dismissal of any such persons who are guilty of fraudulent or grossly improper conduct.

1 No person shall be allowed to appear, plead, or act in any Court in Mysore and Coorg, unless he be an Advocate of one of Her Majesty's High Courts of Judicature in India, or unless he shall have been enrolled as an Advocate in the Courts of Mysore and Coorg under these Rules.

Section 18 Code of Criminal Procedure.

Provided that every person accused before any Criminal Court with an offence, may, with the permission of the Court, but not otherwise, employ any person to assist him in his defence.

Disqualification.

2. All persons who at the date of the promulgation of these rules shall have been admitted by competent authority as Pleaders of the Courts in Mysore and Coorg

in accordance with rules heretofore in force, and who are in active exercise of their profession or intend to engage themselves therein, and who are not manifestly incompetent, shall be entitled, on application to the Judicial Commissioner or the District Judge for the District in which they ordinarily practise, to be enrolled as Advocates on the Board of the Judicial Commissioner of Mysore and Coorg, or in Courts subordinate to the Court of the Judicial Commissioner, subject to the conditions on which they were admitted as to the class of Courts in which they were entitled to practise.

Provided that the application be made within two years from the date of the promulgation of these rules.

And provided further that the applicant shall not, since the promulgation of the rules, have been guilty of any such act of misconduct as would have justified his suspension or dismissal had he been enrolled

under these rules.

3. The Judicial Commissioner may, at his discretion, admit any Barrister of any of the Inns of Court in England or any Attorney or Vakeel of any of the High Courts of Judicature in India, or any Bachelor or Master of Laws in the University of any Presidency to be an Advocate of his Court and of the Courts subordinate thereto.

But before admission, the Judicial Commissioner may require the applicant to produce such testimonials as shall satisfy the Judicial Commissioner that he is a fit person in regard to his character and position to be admitted as an Advocate of his Court.

4. Advocates of the Court of the Judicial Commissioner and of the Courts subordinate thereto shall be of three grades.

5. Advocates of the first grade shall be entitled to appear, plead, and act in the Court of the Judicial Commissioner, and in any Court subordinate thereto whether

civil or criminal.

6. Advocates of the second grade shall be entitled to appear, plead, and act in the Courts of the Commissioner, the Deputy Commissioners, the Courts of Small Causes, and in the Courts of Judicial Assistant Commissioners, and Munsiffs, and also in any Criminal Court except that of the Judicial Commissioner.

Assistant See the object of making a distinction between the 1st & 2nd class Advocates

7. Advocates of the third grade shall be entitled to appear, plead and act in the Courts of the Munsiffs and the Courts of all Magistrates and in the Court of the Judicial Assistant, and the Deputy Commissioner of any District where there is no resident Advocate of the second or first grade

The superseded Rules. Omitted as the 2nd class is done away with

8. All persons other than those mentioned in Rules 2 and 3, who desire to be admitted as Advocates of the first grade must be qualified as follows, that is to say, they must forward with their applications to the Judicial Commissioner.

Advocates of the first grade.

(1) A certificate of respectability

and of good moral character.

(2) A certificate of having received a liberal education.

(3) A certificate of having received such legal training as may be considered sufficient by the Judicial Commissioner.

(4) A certificate of having passed the Madras Judicial Test civil and criminal by the higher grade or of having practised with good reputation for the space of two years in the Court of the Commissioner or Deputy Commissioner or Judicial Assistant Commissioner as an Advocate of the second grade, or as an Advocate in Courts of Law of equal rank elsewhere, and of being qualified in the opinion of the Judge of the Court in which the applicant may have ordinarily practised, to be admitted as an Advocate of the first grade.

(5) A certificate of being between the ages of 20 and 40, unless the applicant shall have been previously practising as an Advocate, as prescribed

in the preceding clause.

9 All persons other than those mentioned in Rules 2 and 3, who desire to be admitted as Advocates of the second grade, must be qualified as follows, that is to say, they must forward with their applications to the Judicial Commissioner. Advocates of the second grade.

(1) A certificate of respectability and of good moral character.

(2) A certificate of having passed the Madras Judicial Test in Civil and Criminal by the Higher grade or of having practised with good reputation as an Advocate of the third grade in Mysore or Coorg or in Courts of Law elsewhere for the space of two years, and of being qualified in the opinion of the Judge of the Court in which the applicant may have ordinarily practised to be admitted as an Advocate of the second grade.

Provided that the Judge granting the certificate shall not be of lower Judicial rank than that of Munsiff.

(3) A certificate of being between

the ages of 20 and 40, unless the applicant shall have been previously practising as an Advocate as described in the preceding clause.

Advocates of the 3rd Grade.

10. All persons other than those mentioned in Rules 2 and 3 who desire to be admitted as Advocates of the third grade, must be qualified as follows; that is to say, they must forward with their applications to the Judicial Commissioner

(1) A certificate of respectability and of good moral character.

(2) A certificate of having passed the Madras Test for Pleaders in Municipal Courts.

(3) A certificate of being between the ages of 20 and 40.

Every application for admission as an Advocate, of whatever grade or for promotion to a higher grade shall be submitted with the certificates mentioned in Rules 8, 9 or 10 for the orders of the Judicial Commissioner. Applications shall be presented in person either to the Judicial

Commissioner or to the District Judge of the District in which the applicant resides, who, if the application be accompanied with the necessary certificates, shall forward it with his opinion to the Judicial Commissioner, and shall report the name, age, nationality, caste or religion, and residence of the applicant and the Court or Courts in which he proposes to practise.

12. If the application is found by the Judicial Commissioner to comply with the conditions of the rules, the name of the Advocate shall be entered according to his grade in the Roll of Advocates which shall be kept in the Court of the Judicial Commissioner, and an extract from the Roll shall be furnished to the applicant and to the Court in which he proposes to practise.

13. Applications presented to the District Judge under Rule 2 shall be at once forwarded to the Judicial Commissioner with full information as to the class of Courts in which the applicant is

entitled to practice, and the particular court or courts in which he proposes to practice.

14. The Judicial Commissioner may suspend or dismiss any Advocate enrolled under the foregoing rules, who shall be convicted of any criminal offence, or who shall be found guilty of fraudulent or grossly improper conduct.

15. If any Advocate practising in the Court of the Judicial Commissioner or any Court subordinate thereto shall be charged with fraudulent or grossly improper conduct, the Judge or Magistrate of the Court shall send him a copy of the charge, and also a notice that on a day to be therein appointed, such charge will be taken into consideration. Such copy and notice shall be served upon the Advocate at least 10 days before the day so appointed; and on such day, or on any subsequent day to which the enquiry may be adjourned the Court shall receive all evidence properly tendered by or on behalf of the party bringing the

charge, said by or on behalf of the Advocate, and shall proceed to adjudicate the charge.

16. If the Judge or Magistrate of any Court subordinate to the Court of the Judicial Commissioner shall find the charge established, and consider that the Advocate should be suspended or dismissed in consequence, he shall record his finding, and the grounds thereof, and shall report the same to the Judicial Commissioner; and the Judicial Commissioner shall proceed to acquit, suspend, or dismiss the Advocate.

17. Such report when made by the Judge of any Court subordinate to the District Court, or by any Magistrate subordinate to the Magistrate of the District, shall be submitted to the Judge of the District Court or Magistrate of the District, who shall append to the report any remarks that he may think necessary, and an expression of his own opinion in the case, and shall

District Judge
and Magistrate
and forward
to

forward the record for the orders of the Judicial Commissioner.

18. The Judge or Magistrate may, pending the investigation and the orders of the Judicial Commissioner, suspend the Advocate from practising in his Court and Courts subordinate thereto.

19. The Judicial Commissioner in any case in which an Advocate shall have been acquitted, otherwise than by an order of the Judicial Commissioner, may call for the record and pass such order thereon as to him shall seem fit.

20. The Judicial Commissioner may also direct that any charge preferred against an Advocate in any Court subordinate to his own, shall be transferred for adjudication to his own, or to any other Court of equal or superior grade to that in which the charge was preferred.

21. A note of the suspension of any Advocate shall be made in the Roll of Advocates, and notice thereof

shall be sent to all Courts subordinate to the Court of the Judicial Commissioner

22. The name of any Advocate dismissed under the foregoing rules shall be struck off the Roll of Advocates, and notice thereof shall be sent to all Courts subordinate to the Court of the Judicial Commissioner.

Bangalore
1st August 1883

J. Sanderson
Judl. Commissr.

A.P.

O. 2183.

1878-79. 157.

From The Judicial Commissioner of Mysore

To

Secretary to Chief Commissioner,
General Department.

Dated 19th August 1878.

Despatched 21st " — " —

Received 21, 54 — " —

Rec'd 22 " — "

Enclosures No.

General No. 1610 / No. 171 } 1878-79.

In continuation of No. 1610/150 dated 1st August suggests the addition of [illegible] additional Proviso to Rule 10 of the proposed Advocates Rules.

Papers Lieut Col Cameron

23/8

No. 1810/141

Mysore Judicial Commissr's Office

Bangalore 19th August 1878.

From

J. D. Sandford Esquire
Judicial Commissioner
of Mysore

To

The Secretary to the
Chief Commissioner
of Mysore.

Sir,

In continuation of my letter No. 1610/150 dated 1st August, I have the honor to suggest for the consideration of the Chief Commissioner that the following Proviso may be added after the Proviso to Rule 1 of the proposed "Advocates Rules" forwarded with the above letter.

"Provided also that any person duly appointed to perform all or "any of the functions imposed on the "Government Pleader by the Code of "Civil Procedure, may appear, plead "and act in the Civil Courts so far

as

"as may be necessary for the perf-

"formance of those functions."

I have the honor to be

Sir,

Your most Obedient Servt.

W Randolph

Judicial Commissioner

J.P.

1878. 113.

From

To The Jud. Commt.

Dated 13th. September

Despatched 14 —"—

Received

Enclosures No. —

General No. 4592

J. No. 99

In reply to his No 1610 of 15th ult. I am directed to communicate the Chief Commissioner's remarks on the draft rules transmitted therewith relative to the qualification admission & enrolment of Advocates & for their suspension or dismissal when such is called for.

Proceedings of the Chief Court
Bangalore Sept 1878.

General No. 4592
J " 99
Dated 13th September 1878.

Read letter from the Judicial Comptr to Mysore No. 1610/150 J dt August 1878, submitting Copy of Rules which he proposes with the Chief Court's approval to frame for the qualification, enrolment and suspension of Advocates, and for their Suspension or dismissal when guilty of fraudulent or improper conduct.—

Order

The Judicial Comptr considers that the term "Advocate" would be more suitable than the present use of "Pleader" for the first Class practising in the Court. But the Rules proposed apparently provide for calling the persons practising in the Courts, however designated, by the name of "Advocate" which by the Association elsewhere, in

The Chief Court considers the proposed Rules generally suitable for regulating the enrolment &c of Pleaders in the Courts of the Province.

2 But these Rules are designed for the 1st grade of Pleaders intermediate between those practising in the Munsiffs' Courts and the principal Courts at Bangalore & Mysore to be enrolled as Pleaders of the 2nd grade

3 by the Judicial Comptr from

Connected with a very high standard of qualification.

2. "Pleader" is a term which is very well understood in this Province, and it would be very undesirable to substitute for it a new name not generally understood, and, when understood, associated with qualifications for which no provision is made.—

As regards "Advocates" for the Judicial Committee, the business of that Court is so small that the retention of any separate Bar, consisting of "Advocates," which may be provided for it, must, for a long time to come, be dependent practically upon the practice in the Subordinate Courts at Bangalore, and they would then be scarcely distinguished, in public estimation, from the Pleaders practising in those Courts, and would be subject to the same disqualifications as Pleaders in case of misconduct in the performance of their duties as Pleaders. 3rd for the purpose of securing efficient supervision of the conduct of Pleaders prescribed by the Rules of Law 778.

3 While fully acknowledging the force of the recommendations which are commendably designed & systematic conduct of business, there are several considerations that lead the Govt of Canada may think it inadvisable to impose well & defence. ~~at present~~

4 With regard to the 7th para, as both to the peace & dignity of the Supreme Court outside Bangalore Mysore is not a special case & calls for a separate class of Pleaders, & that 2 Classes of Pleaders are sufficient provided the ~~at present~~ requirements

5

6. As regards the 2nd point, the practice of proceeding with a Pleader's misconduct which is contained in paras 15 & 22 of the Draft Rules appears to be open to no objection else, when the offence has been committed in the presence of the Court, the investigation has been conducted, but and the Pleader may show in proceedings subsequent to the punishment of the Subordinate Court. The object of the 2nd Rule of Practice to obviate any misunderstanding, however, in such cases, by suggesting that an address should be made to Rule 15 pointing out a step or steps to be complained, under the Indian Code of Civil Procedure, to substitute an inquiry in any case commenced by notice.

7. As to the 3rd point, it is to be remembered that the special Test Examinations are open only, under present rules, to those who have already passed the Master General's Test Examination, or who have been enlisted since 1859. A Government Service since 1859. A person who passes this test will be appointed to the Office of Pleader in the Court of the Master for the purpose of pleading those who are excluded from practising in the Supreme Court.

8. It is necessary that this Administration should have a local examination for 2nd Class Pleaders, as the Madras examination is not open, except to those who have passed the Madras General test examination, which have been continuously in force since 1859.

9. Bearing these difficulties in mind, and remembering that the system now proposed involves the decided improvement, it appears to the Chief Justice to be as well to give a trial to the change introduced so recently as January last.

10. The method of investigating into a Pleader's misconduct, which is contained in paras 15 to 22 of the Draft rules, to the Chief Justice appears, to the Undersigned, should now be in effect been followed

= lowed

in the form Cases in which such investigations have hitherto been held; but it may be desirable expressly to lay down the procedure for the guidance of Subordinate Courts, and this Chief Justice thinks, best be done by the Jud. Comm. issuing a Rule of Practice on the subject. It would appear to be necessary, however, to annex any occasion for misunderstanding by adding to Rule 15 that a Judge or Magistrate is competent, upon his own motion, and whether or not a regular charge has been preferred, to institute the investigation referred to in the Section.

10/9/78 Secretary.

Col

To the Judicial Comm.

the Rules have no force, his Communication must continue to provide for a Special Court under the Ordinance for Accidents or Deaths by Violence. Lastly, the Ordinance purports to designate as "coroners" persons not belonging to the one Court, but to all the Courts of the Province Subordonnée. The Captain would remark that the term "coroner" is by no means clear, connects with a very high standard of Jurisprudence. "Headman" is a term which is thus well understood to possess, and does seem to him undesirable & unsuitable for it as a term of appellation, but generally understood, whereas understood, appointed by the Jurisprudence of Mauritius to possess a Head

11/9

10/9

12/9.

To
Pison
12/9/78.

1878 127.

From

To Jno Carr

Dated 24 September
Despatched 25 "
Received

Enclosures No.

General No. 4929
J. No. 1137

Passage Indus on the subject of the requirements of the Defences Civil [illegible]

General No 4929
J 113

Mysore Chief Commrs Office
Bangalore 24th September 1878

Proceedings of the Chief Commr of Mysore.

Read again.

Chief Commrs Proceedings No 821 dated 18th Dec 1877 - also 75

Chief Commrs Proceedings No 169/5 dated 10th April 1878.

Order.

No

1. ~~Under the authority of Govt of India Notification No 47 dated 25th March 1869, persons entitled as "Agents" in the Courts of the Judicial Asst Commrs at Kolar, Tumkur, Hassan, Chitaldroog and Kadur, were allowed to practise as Pleaders~~ has not been expressly cancelled by the Rules relating to 2nd Class Pleaders.

2. Again in C. Commrs Proceedings No 169/5 dated 10th April 78, rescinded above, all practitioners who for a year previous to the issue of the Rules referred to have been practising in the

As already ordered in C. Proc No 459 of 87 13 inst, in place of the Agency it was allowed that the appointment of the Superintendent Courts outside Bangalore & Mysore might select for the present by admitting 2 Class Pleaders to practise in those Courts, subject to the Approval of Govt

X under the enactment of Govt of India No 47 of 25 March 1869. Has not been expressly cancelled by the Rules relating to 2 Class Pleaders yet, but it is doubtful whether the Courts in question can not entertain an application for such, and whether in consequence some

Courts have been exempted from examination. It is presumed that the Agents referred to above have been allowed to continue practising as heretofore.

3. To remove however any doubt on the point, the Jud^{l} Comm^{rs} is requested to issue a Notification to the effect that in the Superior Courts of the Jud^{l} Assistants and Deputy Comm^{rs} in the Districts specified in the margin persons who have been practising as Agents or Pleaders with the permission of the Presiding Officers of those Courts on the 14th January 1878 (the date on which the 2nd Class Pleaders Rules came into force) will be allowed to to continue to practise until further orders.

4. As regards inferior Courts the Rules of 14th January 178 will be observed except as regards persons specially exempted under the authority of Chief Comm^{r} Order No. 169/5 d/ 10th April 178.

Secretary

To.

The Jud^{l} Comm^{rs}

practised heretofore may not have been occasioned by ~~[illegible]~~ especially ~~[illegible]~~ especially exempted under the Rules. The Court of Wards should be notified under the new Rules.

In order to remove any doubt, which may exist on this point, the Judicial Commissioner would be requested to issue a Notification permitting, ~~[illegible]~~ ~~[illegible]~~ persons ~~[illegible]~~ Kolar, Kunkur, Chitaldroog, Tiptur, Hassan - Pleaders and Agents who have practised as ~~[illegible]~~ in the Courts of the Deputy Commissioners of those Districts, on the 14 January 1878, to practise ~~[illegible]~~ Pleaders.

18/4

PRM
24/9/78

0.2943.

1878. 4.9.188.

From Asst. Commissioner of Ellpore.

To

Secretary to Chief Commissioner,
General Department.

Dated 7 Oct 1878.

Despatched

Received

Enclosures No.

General No. 2246 187 —7.
No. 210

Referring to his l. 4929/113 of 24 Oct, requests the permission of the Chief Commissioner to the issue in this Gazette of the accompanying Notification making provision for pleaders in the Courts of the Asst. Commissioners & Judicial Offg. Commissioner.

A. 2246/210 40

Mysore Jud. Commr's Office
Bangalore 3d Oct. 1878.

From

J. D. Sandford Esqre
Judicial Commissioner
of Mysore.

To

The Secretary to the
Chief Commissioner
of Mysore.

Sir,

With reference to your letter No. 4929/113 of the 24th ultimo, I have the honor to request that the permission of the Chief Commissioner may be obtained to the issue in the next Gazette of the accompanying Notification making provision for pleaders in the Courts of the Deputy Commissioners and Judicial Assistant Commissioners.

I have the honor to be
Sir
Your most Obedt Servant

Sandford

Judicial Commissioner

JD

NOTIFICATION

Notification

It is hereby notified, with the approval of the Chief Comr., that all persons who are qualified or may qualify themselves for enrolment as Pleaders of the 2nd Class under the Rules published by the Notification dated 14th January 1878, will be entitled, until further orders, to practice in the Courts of the Deputy Commissioners and Judicial Assistant Commissioners, and also in all Criminal Courts, except at Bangalore, Mysore and Shimoga.

2. All persons at present practising under the sanction of the Notification of the Government of India No 47 dated 25th March 1869, in the Courts of the Deputy Commissioners and Judicial Assistant Commissioners, and who are certified by the Judge of the District Court to be of good character and not incompetent to the exercise of their profession, may continue to practise until further orders in all Courts in which they are at present practising on enrolment of their names in the Court of the Judicial Commissioner.

Sd. J. D. Sandford
Jud. Commissioner

Mysore Jud. Comrs Office
Bangalore 3rd October 1878.

G.J. No. 5696
G. 852

Forwarded to the Compiler for publisher in Part II of the Mysore Gazette.

Sd. T. Clarke
Secretary

Bangalore
21st Oct 1878

(Illegible)

any Court who have been continuously employed as such since the 1 Jany 1859

III to graduates and matriculated members of an Indian University &

IV to men who have passed the special test known as -

Pleaders were regularly enrolled in Mysore from 1 Feby 1867, and others were allowed subsequently, to practice in the Civil Courts of Mysore. There is already a very large number of the latter class, most of whom have not passed the special test and cannot be expected to do so owing to advanced age, want of habits of study &c. and all these would be altogether excluded from the Bar if they are required to qualify themselves as Advocates 3rd Grade under para 2 of the proposed Rules.

BRT.
9/10/78.

The special test has been open to the Candidates for Sanad under the Candidate for Barrister may qualify by passing the General Test of the Masters Examination & applies prospectively but not retrospectively -

In consequence of the set of rules containing all the Rules on the subject, must be written, & not officially as at present of the Sanad under Rule 1 & the requirement in para 10 Cl. 2 -

If the local Sanad already granted by the Rules of 1878 are cancelled & substituted for the Rules special test, since Rules require a compliance with some test & amendment

W/6

See separate sheet

0.2939.

2178 1878. 49. 185

From The Dewan Commissioner of Mysore.

To

Secretary to Chief Commissioner, General Department.

Dated 3 Oct 1878.

Despatched 4

Received 5 Oct 1878.

Enclosures No.

General No. 2246 1878-79.

No. 206

Forwarding copy of his letter No. 592-99 & 629-115 dated 13 & 24 Sept. 1878, with reasons for limiting the word "Advocate" in the proposed rules forwarded with his No. 610. dated 1 Oct. 1878.

To Secretary

See para 12 of letter

The special test open to all persons even if it be so, many years must elapse before any can have the requisite qualification to qualify as Advocates 3rd grade under para 10 Cl. 2 of the Sanad Draft Rules of 1 Aug 1878

W/6

The special test relating to pleaders, Dr. Mss Dy 1 Nov 78 is open to all servants who have been continuously in the permanent [illegible] since 1850

No 2242
206

Mysore Judl. Commrs Office
Bangalore 3rd October 1878

From

J. D. Sandford Esquire
Judicial Commissioner
of Mysore.

To

The Secretary to the
Chief Commissioner
of Mysore.

Sir.

In reply to your communications No. 4592/99 and No. 4929/113 dated 13th and 21st September 1878, I have the honor to request that I may be allowed to state more at length the reason why I employed the word "Advocate" in the proposed rules forwarded with my letter No. 1610/150 dated 1st August 1878.

2. The term is one which can be applied to Barristers, Attorneys, Advocates of a High Court, as well as to Pleaders as at present enrolled, and as of the former classes, there are several practising in my Court, I considered it very desirable to adopt a term which would be held to apply to these gentlemen, so as to bring them into the regular Bar of the Court.

3. The term has already been adopted

by the Indian Legislature, as Burma Court Act (XXII of 1875) where it is applied to practitioners of exactly the same class as those that are practising in my Court and the other Courts of the Province.

4. It has come to be considered a more honorable term than "Pleader" and in itself denotes a Profession to which it would be an honor to belong.

5. Especially for the last reason, and having in view the beneficial results that in my opinion would follow from the institution of a class, promotion to which would be held out as an inducement and reward to other practitioners in the Province, I still think, though I willingly submit my opinion to the Chief Commissioner's superior experience, that it would be desirable to retain this nomenclature for the gentlemen regularly practising in my Court. Means could be taken to render future admission to this class dependent upon a sufficient amount of legal knowledge and training and an honorable character. I believe that the prospect of attaining to the distinction of enrolment in such a body would produce very good results towards keeping up a high standard of character

and legal knowledge among the pleaders in the other Courts of the Province. Bronies in the Judicial Commissioners Court alone is not, it must be admitted, very large, yet it is likely to increase as the results of famine and distress wear away. There have been, as it is, filed in the Court 99 Civil Appeals regular and second since the commencement of the year, 39 Miscellaneous applications and 268 Criminal appeals, including applications for revision as detailed in the margin. And I can see no possible objection to the simultaneous existence of two classes of practitioners, in the other Courts of Bangalow. The "Advocates" if they were so called would be entitled to a higher scale of fees, and would probably be employed, as now, in more important cases.

Mysore Coorg	
Regular Appeals 1, — 1	
Second — " — 71 — 4	
Miscellaneous — " — 11 — — "	
Do Second — " — 8 — — "	
Civil Petitions — 39 — — "	
Criminal — Do — 167 — — 10	
— Do — Petitions 10 — — 2	
Applications for revision — 79 — — "	
389 — 17	

6. I venture therefore again to suggest to the Chief Commissioner that such a class might be created, confined to those entitled to practice in the Judicial Commissioners Court, with considerable advantage.

7. There is the other matter also which is mentioned in your letter of the 24th September which shews that there must be some amendment or addition to the present rules.

8. The present rules dated 19th November 1866 and 14th January 1878, contain no provision for Pleaders in the Courts of the Deputy Commissioners, Judicial Assistant Commissioners and the Magisterial Courts in Districts other than the Divisional Head Quarters. It is not probable that any Pleaders of the 1st Class who are entitled to practice in the higher Courts will settle at stations like Kolar, Tumkur, Kaisan, Chitaldroog, and Chic Annagalur, or if any do, they will be the least competent of their class. The Courts therefore of the Judicial Assistant Commissioners at these places are at the present moment, and will until some rule is made remain unprovided with any pleaders.

9. It is suggested in your letter of the 24th September 1878 that Pleaders and Agents who are practising as such in the Courts of the Deputy Commissioners and Judicial Assistant Commissioners on the 14th January 1878 should be allowed to continue so to practise. But

to

to this proposal there is I think the objec-
-tion that while it would temporarily pro-
-long the existence of the class of Law Agents,
the extinction of which was the object of the
recent rules, it would only provide tempora-
-rily for the diffiently.

10. My idea was to create an inter-
-mediate class between the Pleaders under
the rules of 1866 who are entitled to practice
in my own and all subordinate Courts,
and the Pleaders to be enrolled under the
rules of January 1878 who can only practice
in the Munsiffs and Civil Courts, and
I still think that this would be the better
plan. But as the Chief Commissioner does
not think this advisable, it will be necessary
to provide that the Pleaders enrolled under
the rules of 1878 shall be entitled to practice
in the Deputy Commissioners' and Judicial Assis-
-tant Commissioners' and in all Criminal Courts
The objection to this is that it would be
desirable to have a higher standard for those
Courts than it will probably be possible to
assign to the lowest grade of Pleaders.

11. To meet the present diffiently I
would issue a Notification that all persons
who may qualify under the rules of January
1878 shall be entitled to practice in the

Courts of the Deputy Commissioners and Judi-
=cial Assistant Commissioners and in all the
Criminal Courts, except at Bangalore, Mysore,
and Shimoga. And I would also allow existing
practitioners who are approved by the Dis-
=trict Judge to continue their practice. A
draft notification to this effect has already
been forwarded.

12. And I would venture also to point
out, with reference to the 4th Para of the
Chief Commissioners proceedings dated 13th Septem
=ber 1878. that the Madras Special Test
Examinations are open not only to all can-
=didates who have passed the General Test
but also to all who may hereafter pass it,
without reference to their present employment;
and I look upon this condition, viz. that all
Candidates shall first pass the General Test
as a great advantage, for it will afford some
security, which the present rules do not, that
the Candidates shall have some general Know-
=ledge, and be decently educated. I submit
again therefore that there is no necessity for
holding a special examination at Bangalore,
which involves a great waste of time on the
part of the Examiners and which will not
afford so good a test as the present Madras
Examination.

13. If the Chief Commissioner is disposed to accede to these or any of these recommendations, I will send in Rules revised so as to meet what the Chief Commissioner may approve. It will be desirable to have one existing body of Rules instead of three sets of Rules to be gathered out of separate Notifications

14. In conclusion I have to add that it seems necessary either to obtain the sanction of the Government of India to the existing or proposed rules, or at any rate to obtain that authority for the cancelling of the Government Notifications No. 47 and No. 110 dated 25th March 1869 and 16th June 1871 issued with the authority of the Government of India, under which Agents other than enrolled pleaders are allowed to practice in the Courts. It was the object of the Rule of 1878 to abolish this objectionable class of Law Agents, but it appears to have been forgotten that so long as the Notifications issued by the Government of India remain uncancelled the Officers presiding in any Civil Courts (except at certain stations) may allow any suits to be conducted by Agents other than enrolled pleaders; and hence the profession of Law Agent will continue or will be subject

40

to Revival unless the permission given by these orders be at once, as I recommend it be withdrawn.

I have the honor to be
Sir
Your most obedient Servant

J D Macneil
Indian Commissioner

J.P.

Gl No 5695 & 78.9.
G No 851

M. C. C. Office
Bangalore 21st Oct 1895

To
The Asst Comm

Sir

With reference to
your letter No 2242/205 dated 3 Inst I am desired to
append copy of a Memo
received from the Chief Comm,
Bangalore for the good
information & guidance of
Draft Rules in conformity with
the rules therein laid down, a
list of the selection enclosed
from 13 of the Port of the
letter under reply. These Rules
if approved will be used
for the year when the approval
The Instrs which draft allowed
in letter No 2246/210 of 3 Inst be
then forwarded for Compliance
by G for publication.

I am
Sir
Your obedient
Servant

attested
Hill
21/10/95

attested
Hill
21/10/95

1878

149

To,

The Jud. Comm.

Bangalore 21 Oct 1878

Despd

Encls: 1 Copy of Minute attached to letter No 2242 of 3rd Oct. 206/178 from Jud Comr.

Encls 5695

G.O. No 851

Ltr No 2242/206 of 3rd Oct/78

Appends copy of minute by the Ch: Comr and requests to prepare revised draft Rules for the enrolment of Advocates & Pleaders.

Ltr No 2618/236

1878. 9

From

To

Secretary to Chief Commissioner,
General Department.

Dated 30th October

Despatched 31/10/78

Received 31/10/78

Enclosures No. 2.

General No. 26 of 1878-79.
No. 23

E. 2618/236

Mysore Jud. Commrs Offce
Bangalore 30th Octr 87.

From.

J. D. Sandford Esquire
Judicial Commissioner
of Mysore.

To.

The Secretary to the
Chief Commissioner
of Mysore.

Sir.

In reply to your No. 5695/851 dated 21st instant, I have the honor to forward herewith Rules of Advocates and Pleaders Rules for the provinces of Mysore and Coorg.

2. In Rule 8, I have ventured to put three resident Advocates or Pleaders of the 1st Class instead of 5 or 6 as suggested in the letter under reply, as it is desirable to encourage 1st Class Pleaders to settle about stations, and they will be more likely to do so if they can be sure of a decent amount of practice.

3. In Rule 9, I have proposed the University Entrance Examination as the qualifying test of liberal education for Advocates. But I should not object to

the "Madras General Test" if the Chief Commissioner thinks the former higher than necessary. I do not wish to impose any Test which should exclude deserving practitioners in the Lower Courts from eventually rising to the degree of Advocate.

I have the honor to be
Sir
Your most obt Servt

W Lee Warner
Judicial Commissioner

J.P.

46

Advocates and Pleaders' Rules for the Province of Mysore.

Rules for the qualification, admission and enrolment of Advocates and Pleaders and for the suspension or removal from the rolls, if necessary, of any such persons.

1. No person shall be allowed to appear plead, or act in any Court in Mysore, unless he be an Advocate of one of Her Majesty's High Courts of Judicature in India, or unless he shall have been enrolled as an Advocate or Pleader in the Courts of Mysore under these Rules.

Provided that every person accused before any Criminal Court with an offence may, with the permission of the Court, but not otherwise, employ any person to assist him in his defence.

Section 186, Code of Criminal Procedure

Provided further that any person, ex officio, or otherwise authorized to act for Government in respect of any Judicial proceeding, may

Section 417, Code of Criminal Procedure.

make and do appearances, acts and applications, within the scope of his authority on behalf of Government.

2. All persons who at the date of the promulgation of these Rules shall have been admitted by competent authority as Pleaders of the Courts in Mysore, in accordance with Rules heretofore in force, and who are in active exercise of their profession or intend to engage themselves therein, and who are not manifestly incompetent, shall be entitled, on application to the Judicial Commissioner or the District Judge for the District in which they ordinarily practise, to be enrolled as Advocates or Pleaders in the Court of the Judicial Commissioner of Mysore, or in Courts subordinate to the Court of the Judicial Commissioner, subject to the conditions on which they were admitted as to the class of Courts in which they were entitled to practise.

Provided that the application be made within two years from the date of the promulgation of these Rules.

And provided further that the applicant shall not, since the promulgation

promulgation of the Rules, have been guilty of any such act of misconduct as would have justified his suspension or dismissal, had he been enrolled under these Rules.

3. The Judicial Commissioner may, at his discretion, admit any Barrister of any of the Inns of Court in England or Ireland, or member of the Faculty of Advocates in Scotland or any Advocate, Vakeel or Attorney of any of the High Courts of Judicature in India, to be an Advocate of his Court and of the Courts subordinate thereto.

But before admission, the Judicial Commissioner may require the applicant to produce such testimonials as shall satisfy the Judicial Commissioner that he is a fit person, in regard to his character and position to be admitted as an Advocate of his Court.

4. Advocates of the Court of the Judicial Commissioner shall be entitled to appear, plead, and act in the Court of the Judicial Commissioner, and in any Court subordinate thereto whether Civil or Criminal.

5. Pleaders in the Courts of Mysore shall be of two grades.

6. Pleaders of the 1st grade shall be entitled to appear, plead and act in the Courts of the Commissioner, the Deputy Commissioners, the Courts of Small Causes and in the Courts of Judicial Assistant Commissioners and Munsiffs, and also in any Criminal Court, except that of the Judicial Commissioner.

7. Pleaders of the second grade shall be entitled to appear, plead and act in the Courts of the Munsiffs and in the Courts of all Magistrates.

8. In any District where there are not resident three Advocates or Pleaders of the first class, the Judicial Commissioner may, after six months notice of his intention so to do, published in the Gazette, authorize by name a sufficient number of Pleaders of the 2nd class to practise in the Court of the Deputy Commissioner and Judicial Assistant.

9. All persons other than those mentioned in Rules 2 and 3, who desire to be admitted as Advocates of the first grade, must be qualified as follows, that

that is to say, they must forward with their applications to the Judicial Commissioner

(I) A certificate of respectability and of good moral character.

(II) A certificate of having received a liberal education not inferior to that required for the Entrance Examination by any of the Universities in India.

(III) A certificate of having studied in the chambers of a practising Advocate, Vakeel or Attorney of a High Court for the space of one year.

(IV) A certificate of the degree of Master of Laws or Bachelor of Laws in the University of any Presidency, or of having passed the Madras Judicial Test Civil and Criminal by the Higher grade, or of having practised with good Reputation for the space of two years in the Court of the Commissioner or Deputy Commissioner or Judicial Assistant Commissioner as a Pleader of the first grade, or as an Advocate or Pleader in Courts of Law of equal rank elsewhere, and of being qualified in the opinion of the Judge of the Court in which the applicant may have ordinarily practised to be ad-

mitted

admitted as an Advocate of the first grade.

(V) A certificate of being between the ages of 20 and 40 unless the applicant shall have been previously practising as an Advocate or Pleader as prescribed in the preceding clause.

10. All persons other than those mentioned in Rules 2 and 3, who desire to be admitted as Pleaders of the first grade, must be qualified as follows, that is to say, they must forward with their applications to the Judicial Commissioner— Pleaders of the 1st grade.

(I) A certificate of respectability and of good moral character.

(II) A certificate of having passed the Madras Judicial Test, Civil and Criminal by the Higher Grade, or of having practised with good reputation as a Pleader of the 2nd grade in Mysore or in Courts of Law elsewhere for the space of two years, and of being qualified in the opinion of the Judge of the Court, in which the applicant may have ordinarily practised, to be admitted as a Pleader of the 1st Grade.

Provided that the Judge granting the certificate shall not be of lower Judicial

rank than that of Mooneff.

(III) A certificate of being between the ages of 20 and 40, unless the applicant shall have been previously practising as a Pleader as described in the preceding clause.

Pleaders of the 2nd grade.

11. All persons, other than those mentioned in Rules 2 and 3, who desire to be admitted as Pleaders of the 2nd grade, must be qualified as follows, that is to say, they must forward with their applications to the Judicial Commissioner.

(I) A certificate of respectability and of good moral character.

(II) A certificate of having passed the Madras Test for Pleaders in Munsiffs Courts.

(III) A certificate of being between the ages of 20 and 40.

12. Every application for admission as an Advocate or Pleader of whatever grade or for promotion to a higher grade, shall be submitted, with the certificates mentioned in Rules 9, 10 or 11 for the orders of the Judicial Commissioner. Applications shall be presented in person either to the Judicial Commissioner or to the District Judge of the District, in which the applicant

resides, who, if the application be accompanied with the necessary certificates, shall forward it with his opinion to the Judicial Commissioner, and shall report the name, age, nationality, caste or religion, and residence of the applicant, and the Court or Courts in which he proposes to practise.

13. If the application is found by the Judicial Commissioner to comply with the conditions of the Rules, the name of the Advocate or Pleader shall be entered according to his grade, in the Roll of Advocates or Pleaders which shall be kept in the Court of the Judicial Commissioner, and an Extract from the Roll shall be furnished to the applicant, and to the Court in which he proposes to practise.

14. Applications presented to the District Judge under Rule 2 shall be at once forwarded to the Judicial Commissioner with full information as to the class of Courts in which the applicant is entitled to practise, and the particular Court or Courts in which he proposes to practise.

15. The Judicial Commissioner may suspend or dismiss any Advocate or Pleader enrolled

enrolled under the foregoing Rules who shall be convicted of any Criminal offence or who shall be found guilty of fraudulent or grossly improper conduct.

16. If any Advocate or Pleader, practising in the Court of the Judicial Commissioner or any Court subordinate thereto, shall be charged with fraudulent or grossly improper conduct, or shall appear to the Judge or Magistrate to have been guilty of such conduct, the Judge or Magistrate of the Court shall cause a formal charge to be drawn up setting forth concisely & exactly the alleged misconduct, and shall send a copy of the charge to the said Advocate or Pleader, and also a notice that on a day to be therein appointed such charge will be taken into consideration. Such copy and notice shall be served upon the Advocate or Pleader at least 10 days before the day so appointed, and on such day or on any subsequent day to which the enquiry may be adjourned, the Court shall receive all evidence properly tendered in support of the charge, and by or on behalf of the Advocate or Pleader, and shall proceed to adjudicate the charge.

17. If the Judge or Magistrate of any Court subordinate to the Court of the Judicial Commissioner shall find the charge established, and consider that the Advocate or Pleader should be suspended or dismissed in consequence, he shall record his finding, and the grounds thereof, and shall report the same together with the proceedings to the Judicial Commissioner, and the Judicial Commissioner shall proceed to acquit, suspend or dismiss the advocate or Pleader.

18. Such report when made by the Judge of any Court subordinate to the District Court, or by any Magistrate subordinate to the Magistrate of the District, shall be submitted to the Judge of the District Court or Magistrate of the District who shall append to the report any remarks that he may think necessary, and an expression of his own opinion in the case, and shall forward the record for the orders of the Judicial Commissioner.

19. The Judge or Magistrate may, pending the investigation and the orders of the Judicial Commissioner, suspend any Pleader from practising in his Court and Courts subordinate thereto.

20. The Judicial Commissioner, in any case in which an Advocate or Pleader shall have been acquitted otherwise than by an order of the Judicial Commissioner, may call for the record, and pass such order thereon as to him shall seem fit.

21. The Judicial Commissioner may also direct that any charge preferred against an Advocate or Pleader in any Court subordinate to his own, shall be transferred for adjudication to his own or to any other Court of equal or superior grade to that in which the charge was preferred.

22. A note of the suspension of any Advocate or Pleader shall be made in the Roll of Advocates or Pleaders and notice thereof shall be sent to all Courts subordinate to the Court of the Judicial Commissioner.

23. The name of any Advocate or Pleader dismissed under the foregoing Rules shall be struck off the Roll of Advocates or Pleaders, and notice thereof shall be sent to all Courts subordinate to the Court of the Judicial Commissioner

Commissioner

30th October 1878

Judicial Commissioner

SOFE . SS .

Advocates and Pleaders' Rules for the Province of Coorg.

Rules for the qualification, admission, and enrolment of Advocates and Pleaders, and for the suspension or removal from the Rolls, if necessary, of any such persons.

1. No person shall be allowed to appear, plead or act in any Court in Coorg, unless he be an Advocate of one of Her Majesty's High Courts of Judicature in India, or unless he shall have been enrolled as an Advocate or Pleader in the Courts of Coorg under these Rules.

Provided, that every person accused before any Criminal Court with an offence, may, with the permission of the Court, but not otherwise, employ any person to assist him in his defence.

Section 186, Code of Criminal Procedure

Provided further that any person, ex officio or otherwise, authorized to act for Government in respect of any judicial proceeding, may make and do appearances, acts and

Section 417, Code of Criminal Procedure

and applications within the scope of his authority on behalf of Government.

2. All persons who, at the date of the promulgation of these Rules, shall have been admitted by competent authority as Pleaders of the Courts in Coorg, in accordance with Rules heretofore in force, and who are in active exercise of their profession, or intend to engage themselves therein, and who are not manifestly incompetent, shall be entitled, on application to the Judicial Commissioner or the Superintendent of Coorg, to be enrolled as Advocates or Pleaders in the Court of the Judicial Commissioner of Coorg, or in Courts subordinate to the Court of the Judicial Commissioner, subject to the conditions on which they were admitted as to the class of Courts in which they were entitled to practise. Provided that the application be made within two years from the date of the promulgation of these Rules.

And provided further that the applicant shall not, since the promulgation of the Rules, have been guilty of any such act of misconduct as

as would have justified his suspension or dismissal, had he been enrolled under these Rules.

3. The Judicial Commissioner may, at his discretion, admit any Barrister of any of the Inns of Court in England or Ireland, or member of the Faculty of Advocates in Scotland, or any Advocate, Vakeel or Attorney of any of the High Courts of Judicature in India, to be an Advocate of his Court and of the Courts subordinate thereto.

But before admission, the Judicial Commissioner may require the applicant to produce such testimonials as shall satisfy the Judicial Commissioner that he is a fit person in regard to his character and position to be admitted as an Advocate of his Court.

4. Advocates of the Court of the Judicial Commissioner shall be entitled to appear, plead, and act in the Court of the Judicial Commissioner and in any Court subordinate thereto, whether Civil or Criminal.

5. Pleaders in the Courts of Coorg shall be of two grades.

6. Pleaders of the 1st Grade shall be entitled to appear, plead and act in the Courts of the Superintendent, Assistant Superintendents, and in the Courts of Sumbedars and Karpattigars and also in any criminal Court except that of the Judicial Commissioner.

7. Pleaders of the 2d grade shall be entitled to appear, plead and act in the Courts of the Sumbedars and in the Courts of all Magistrates

8. When there are not resident, three Advocates or Pleaders of the first class in Coorg, the Judicial Commissioner may, after six months notice of his intention so to do, published in the Gazette, authorize by name a sufficient number of Pleaders of the 2d class to practise in the Court of the Superintendent and Assistant Superintendents.

9. All persons, other than those mentioned in Rules 2 and 3, who desire to be admitted as Advocates of the first grade, must be qualified as follows, that is to say, they must forward with their applications to the Judicial Commissioner

(1)

(1) A certificate of respectability and of good moral character.

(2) A certificate of having received a liberal education not inferior to that required for the entrance Examination by any of the Universities in India.

(3) A certificate of having studied in the chambers of a practising Advocate, Vakeel or Attorney of a High Court for the space of one year.

(4) A certificate of the degree of Master of Laws, or Bachelor of Laws in the University of any Presidency, or of having passed the Madras Judicial Test Civil and Criminal by the Higher Grade or of having practised with good Reputation for the space of two years in the Courts of the Superintendent or Assistant Superintendents as a Pleader of the first Grade, or as an Advocate or Pleader in Courts of Law of equal Rank elsewhere, and of being qualified in the opinion of the Judge of the Court in which the applicant may have ordinarily practised, to be admitted as an Advocate of the first Grade.

(5) A certificate of being between the ages

(3) A certificate of being between the ages of 20 and 40, unless the applicant shall have been previously practising as a Pleader as described in the preceding clause.

Pleaders of the 2nd. Grade.

11. All persons other than those mentioned in Rules 2 and 3 who desire to be admitted as Pleaders of the 2d. Grade must be qualified as follows; that is to say, they must forward with their applications to the Judicial Commissioner

(1) A certificate of respectability and of good moral character.

(2) A certificate of having passed the Madras Test for Pleaders in Munsiffs Courts.

(3) A certificate of being between the ages of 20 and 40.

12. Every application for admission as an Advocate or Pleader of whatever grade, or for promotion, to a higher grade shall be submitted with the certificates mentioned in Rules 9. 10 or 11 for the orders of the Judicial Commissioner. Applications shall be presented in person either to the Judicial Commissioner or to the Superintendent of Coorg, who

ages of 20 and 40, unless the applicant shall have been previously practising as an Advocate or Pleader as prescribed in the preceding clause.

Pleaders of the 1st Grade.

10. All persons, other than those mentioned in Rules 2 and 3, who desire to be admitted as Pleaders of the first grade, must be qualified as follows; that is to say, they must forward with their applications to the Judicial Commissioner

(1) A certificate of respectability and of good moral character.

(2) A certificate of having passed the Madras Judicial Test, Civil and Criminal, by the Higher Grade, or of having practised with good reputation as a Pleader of the 2nd Grade in Coorg or in Courts of Law elsewhere for the space of two years, and of being qualified in the opinion of the Judge of the Court in which the applicant may have ordinarily practised to be admitted as a Pleader of the 1st Grade.

Provided that the Judge granting the certificate shall not be of lower judicial rank than that of Assistant Superintendent.

who, if the application be accompanied with the necessary certificates, shall forward it with his opinion to the Judicial Commissioner, and shall report the name, age, nationality, caste or religion and residence of the Applicant and the Court or Courts in which he proposes to practise.

13. If the application is found by the Judicial Commissioner to comply with the conditions of the Rules, the name of the Advocate or Pleader shall be entered according to his Grade in the Roll of Advocates or Pleaders which shall be kept in the Court of the Judicial Commissioner and an extract from the Roll shall be furnished to the applicant and to the Court in which he proposes to practise.

14. Applications presented to the Superintendent under Rule 2 shall be at once forwarded to the Judicial Commissioner with full information as to the class of courts in which the applicant is entitled to practise, and the particular Court or Courts in which he proposes to practise.

15. The Judicial Commissioner may suspend or dismiss any Advocate or Pleader enrolled under the foregoing Rules who

who shall be convicted of any criminal offence or who shall be found guilty of fraudulent or grossly improper conduct.

16. If any Advocate or Pleader practising in the Court of the Judicial Commissioner or any Court subordinate thereto shall be charged with fraudulent or grossly improper conduct; or shall appear to the Judge or Magistrate to have been guilty of such conduct, the Judge or Magistrate of the Court shall cause a formal charge to be drawn up, setting forth concisely and exactly the alleged misconduct, and shall send a copy of the charge to the said Advocate or Pleader, and also a notice that on a day to be therein appointed, such charge will be taken into consideration. Such copy and notice shall be served upon the Advocate or Pleader at least 10 days before the day so appointed, and on such day, or on any subsequent day to which the enquiry may be adjourned, the Court shall receive all evidence properly tendered in support of the charge, and by or on behalf of the Advocate or Pleader, and shall proceed to adjudicate the charge

17. If the Judge or Magistrate of any Court subordinate to the Court of the Judicial Commissioner shall find the charge established and consider that the Advocate or Pleader should be suspended or dismissed in consequence, he shall record his finding and the grounds thereof, and shall report the same together with the proceedings to the Judicial Commissioner, and the Judicial Commissioner shall proceed to acquit, suspend, or dismiss the Advocate or Pleader.

18. Such Report when made by the Judge of any Court subordinate to the Superintendent's Court, or by any Magistrate subordinate to the Magistrate of the District shall be submitted to the Superintendent or Magistrate of the District who shall append to the report any remarks that he may think necessary, and an expression of his own opinion in the case, and shall forward the record for the orders of the Judicial Commissioner.

19. The Judge or Magistrate may, pending the investigation and the orders of the Judicial Commissioner, suspend any

any Pleader from practising in his Court and Courts subordinate thereto.

20. The Judicial Commissioner in any case in which an Advocate or Pleader shall have been acquitted otherwise than by an order of the Judicial Commissioner, may call for the record and pass such order thereon as to him shall seem fit.

21. The Judicial Commissioner may also direct that any charge preferred against an Advocate or Pleader in any Court subordinate to his own, shall be transferred for adjudication to his own or to any other Court of equal or superior grade to that in which the charge was preferred.

22. A note of the suspension of any Advocate or Pleader shall be made in the Roll of Advocates or Pleaders, and notice thereof shall be sent to all Courts subordinate to the Court of the Judicial Commissioner.

23. The name of any Advocate or Pleader dismissed under the foregoing Rules shall be struck off the Roll of Advocates or Pleaders, and notice thereof shall be sent to all Courts subordinate

to the Court of the Judicial Commissioner.

30th October
1878

Judicial Commissioner

Chief Council Caffrie

Dr 6160 2 days

Dr 61 } Nov 1 78
Bayne }

15 Costs
on behalf
Mungin

1878. 233

From

To The Superintendent
Govt Press.

Dated Bangalore 6th Nov. 1878.

Despatched

Received

Enclosures No. 2

General No. 6160

9 No. 926

(1) Advocate & Pleaders Rules for the Province of Mysore.

(2) Advocate & Pleaders Rules for the Province of Coorg.

Please arrange to the above Draft Rules, and despatch that 15 Copies of each may be printed half-margin bound sent to this Office as early as practicable.

5/11/78 W.L.

(Signature)
5/11
Secretary

M.646.

187 8.

From

The Supt. of the Mysore Govt. Press.

To

The Secretary to the
Chief Comrs of Mysore

Dated 19th November

Despatched

Received

Enclosures No.

No. 6197

Subject.

Has the honor to forward 15 copies of the Circulars marginally noted, printed as requested by the Secretary in docket No. 6160/926 dated 6th Augt.

Supt., Mysore Govt. Press.

Mysore Govt. Press, Bangalore,—25-9-78.—500.

15 Copies of Circulars printed for the Secretary to the Chief Commissioner of Mysore

Receipt No

Received the required

204

To be placed in File.

O. or M. 128

No. 7330
115

Date 9-12-78

From

or

To Foreign

Jubal
15-11-81

Rec'd 30 0.5487.
" 1878.79. 341

From The Ld. Commissioner of Abkarie

To

Secretary to Chief Commissioner,
General Department.

Dated 14th February 1879.

Despatched 22 "

Received 22 "

Sep 24 "

Enclosures No.

General No. 379 } 187 8—79
No. 346

I am directed to request that the [illegible] may be granted to the [illegible] holds within [illegible] to the Godaveri [illegible] dated 3rd October 78, [illegible] be granted to [illegible] published in the Bombay Gazette.

The Examiner
may be put
up
7/3

Ld.
8. 3. 79.

1/3/79

No. 3497
3/6

Mysore Jud. Commr's Office
Bangalore 14th Feby 1879.

From.

J. D. Sandford Esquire,
Judicial Commissioner
of Mysore.

To

The Secretary to the
Chief Commissioner
of Mysore.

Sir,

With reference to the 2nd para of the Notification dated 3rd October 1878 and published at page 703, part II of the Mysore Gazette of the 26th Idem, I have the honor to request that you will be so good as to cause the following erratum to that Notification to be published in the Gazette. - For No. 47 dated 25th March 1869, read No. 260 dated 3rd December 1869.

I have the honor to be,
Sir,
Your most obdt Servt,

S. Ramayya Nor

Registrar for Judicial
Comm. absent on Circuit.

187 9 231

From

To The Judicial Commr
of Oude

Dated 18th Feb

Despatched "

Received

Enclosures No. 1 Copy of letter No 189
1 Copy of Rules corrected in red ink

General No. 10724
J No. 192

Letter from the Govt of India
Foreign depart, dy 5th Febry
1879 No 71 J, returning
draft rules to regulate the
admission, enrolment &c of
Advocates & Pleaders in this
Province, and stating that
subject to the alterations
marked in red ink the rules
are sanctioned by the Govr
General in Council

Demands a copy of
the above, together with a
copy of the rules as amended
and sanctioned.

/ By order /

W.L.
Offg Secretary

Ltr

M. C. C. Office
Bangalore 18th Oct 1879

Notification

The following rules to regulate the admission Enrolment &c of Advocates & Pleaders in Mysore sanctioned by the Govt of India in Foreign department despatch, dy 5 Feby 1879, No 18 J, are published for information

/ By order /

Hy. [illegible]
Offg Secretary

(Here both rules as amended in red ink)

Mr
15/11/79

No 10725
9 1373
to Empire by mail

From

To

Dated

Despatched 20th Feb

Received

Enclosures No.

General No.

No.

1879. 03490

From: Chief Judicial Commissioner of Mysore

To: Secretary to Chief Commissioner, General Department.

Dated 15th November 1879

Despatched 19th November 1879

Received 20

Enclosures No.

General No. 2833

No. 329

From Chief Judicial Commissioner of Mysore, 15th November 1879, forwarding draft Notification to extend certain sections of Act XVIII of 1879 to Mysore.

Recommends the introduction of sections 29, 30, 31, and 36 of the Legal Practitioners Act 18 of 1879 with certain modifications into the Province of Mysore. —

Submitted

Under sec 1 Local Govts can extend all or any of the provisions of the Act by Notifn; but Mysore is not a Brit dist & it is proposed to modify as well as extend so I think the sanction of Govt is necessary. The modified sections might be thrown into the form of rules to be proposed to India for issue in the Gazette

WJC 23.11

Foreign

Can directed by the Chf Comr, on the recommendn of Chf Comr to request that H.E. the V. of India may be pleased to extend Sections 28, 31 and 36 of the Legal Practitioners Act XVIII of 1879 to Mysore with modifications as indicated in the accompanying draft Notifn which are designed to bring the phraseology of the sections into harmony with the conditions of the local bar, & omitting reference to Mukhtars and Revenue Agents who have no existence in the Province.

~~Draft Notification~~

WJC 23/12.

No. 2833/329

Bangalore 15th November 1879.

From

J. D. Sandford Esquire
Judicial Commissioner
of Mysore

To,

The Secretary to the
Chief Commissioner
of Mysore
General Department

Sir,

I have the honor to recommend the introduction of Sections 28, 29, 30, 31 and 36 of the Legal Practitioners Act 18 of 1879 with the following modifications into the Province of Mysore.

"For the words "Pleader, Mukhtar or Revenue Agent" in Sections 28, 30 and 31, and for the words "Legal Practitioner" in Section 36 read "Advocate or Pleader enrolled in the Court of the Judicial Commissioner of Mysore or in any Court subordinate thereto."

2. The introduction of these enactments will prove very useful in

checking the system of touting which is very prevalent in Bangalore and in enabling the Court to exercise a Control over the fees charged by Practitioners in the case of any suit brought to recover the same.

I have the honor to be

Sir,

Your most Obedt. Servt.

W. Lewin

Judicial Commissioner

J.P.

Notification

The following Notification of the Government of India, Foreign Department, is republished for general information.

[Here print Notification No. 37 I. J. 7/1st March 1880 of the Govt of India, Foreign Department, C/y forwarded herewith.]

By Order

Secretary

No. 9056 8/12 March/80.
9 1813

To

The Comptr Mysore Gazette

for publication in English & Kannarese, and submission of 80 spare copies of the Notifn in English & 80 in Kannarese.

11/3/80
10/3/80

To. The Compiler Mysore Gazette

Dated Bangalore 12th March/80.

Despd. ——— 12th ———

Enc: No 1 Notfn No: 37 dy 10th March/80

General No. 9056
Leg No. 3813

Forwards for publication copy of Government of India, Home Dept. Notification No. 3, J. dy 1st March/80.

9

1 P-120

1880.

From

To

The Judicial Commr in Mysore

Dated Bangalore 12th March 1880

Despatched " 12 " "

Received

Enclosures No. 1 Notifn No: 37 dtd 1-3-80

General No. 9057

No. 1814

I have the honor to forward herewith for information copy of a notification of the Govt of India Foreign Dept, No 37 J. dtd 1st March 1880, publishing certain rules relating to the agreements of Legal Practitioners with their clients, for the reference of his No 2833/329 dtd 15th Novr 1879.

I have the honor to be
Sir
Your most obedient
humble Servant
C. Bowring
Secretary

10/3/80

9

P-120

1880.

From

The Supt. of the Mysore Govt. Press.

To

The Secretary to the
Chief Commr of Coorg

Dated

Despatched 16th March 1880

Received 17th —

Enclosures No.

No. 1005

350 Notifn No 306 dated
12th March 1880
in English —

Subject.

Has the honor to forward 350 copies of the Notice marginally noted, printed as requested by the Secretary in docket No. 9056/1813 dated 12th August

Supt., Mysore Govt. Press.

Gopaul Krishnayya
17-3-80

Q.L. P. 120

18 .

From

To The Judicial Commr.
in Mysore

Dated 23d March

Despatched 23

Received

Enclosures No. 500

General No. 1435

No. 199

200 Engl
300 Can

In continuation of this Office No. 9057/1814 dated 12th instant, forwards 200 English and 300 Canarese spare copies of the Notification containing rules relating to the agreement of Legal Practitioners with their Clients for circulation to all the Civil and Criminal Courts of the Province -

By order

Lacy:

23/3 80.